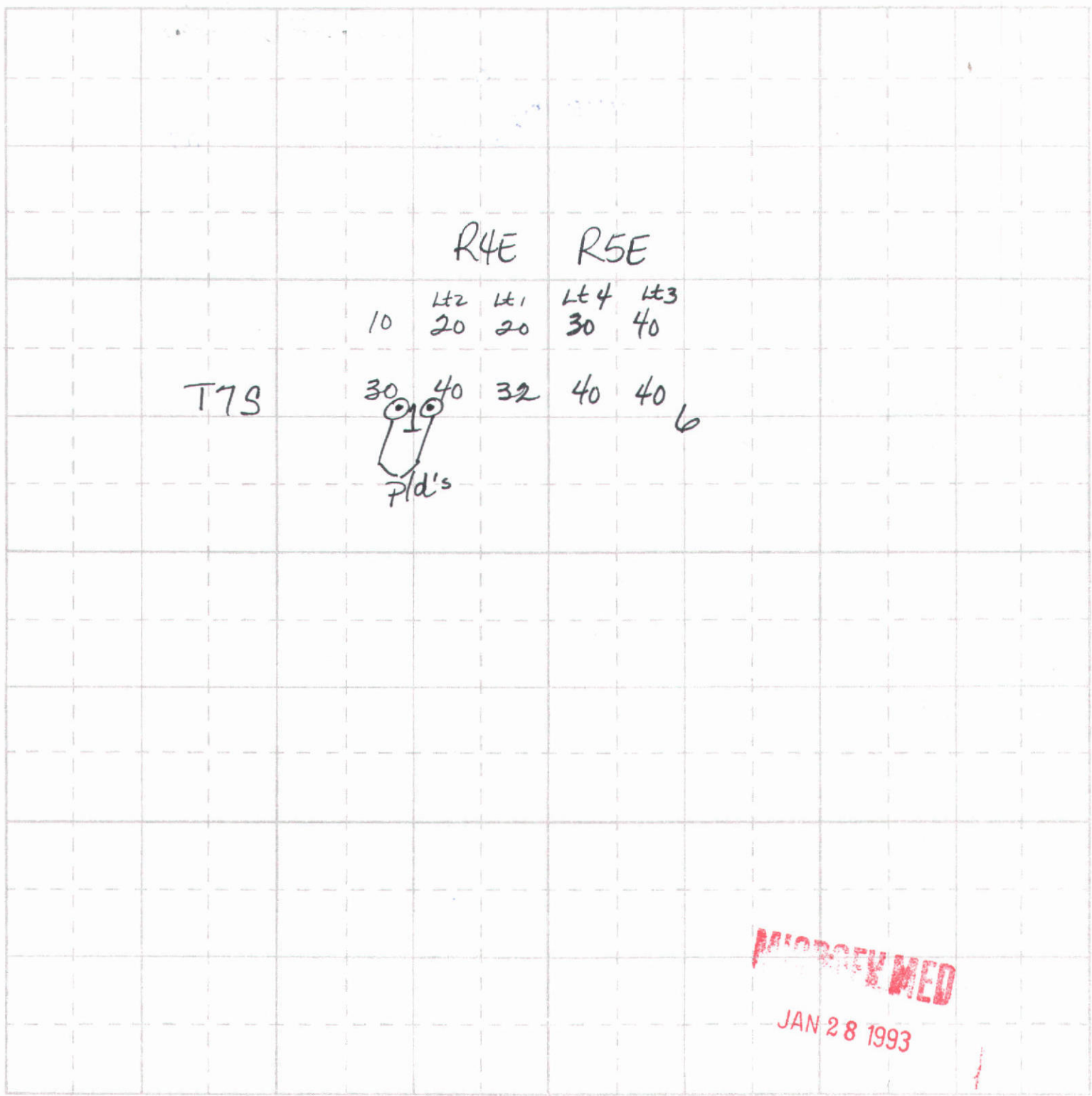


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said

newspaper, in two(2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

October 21 + 28, 1992

Signed Joe E. Aman

Subscribed and sworn to before me this 28th day of October A.D., 1992

Conie Bowling

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires October 1997

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 51-02122 ✓

Notice is hereby given that M. K. and/or Grace E. Thomas of Bruneau have applied to the Department of Water Resources for a change of nature of use and place of use of the water of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.0 cfs Fish Propagation
5.08 cfs Irrigation
Priority: 07/02/1951
Point(s) of Diversion: SWNE and SESW Sec. 1 T07S R04E. The water is used for Fish Propagation and Irrigation. Irrigation purposes in T07S R04E Sec. 1 NE1/4, E1/2NW, Sec. 6 NE1/4, 254 acres total. Fish Propagation in T07S R04E Sec. 1 SESW, Owyhee County.

TO BE CHANGED AS FOLLOWS

Amount: 1.0 cfs
Point(s) of Diversion: No Change
The water will be used for Irrigation only purposes T07S R04E Sec. 1 NE1/4, E1/2NW, Sec. 6 NW1/4, 302 acres total.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before November 9, 1992.

R. Keith Higginson
Director

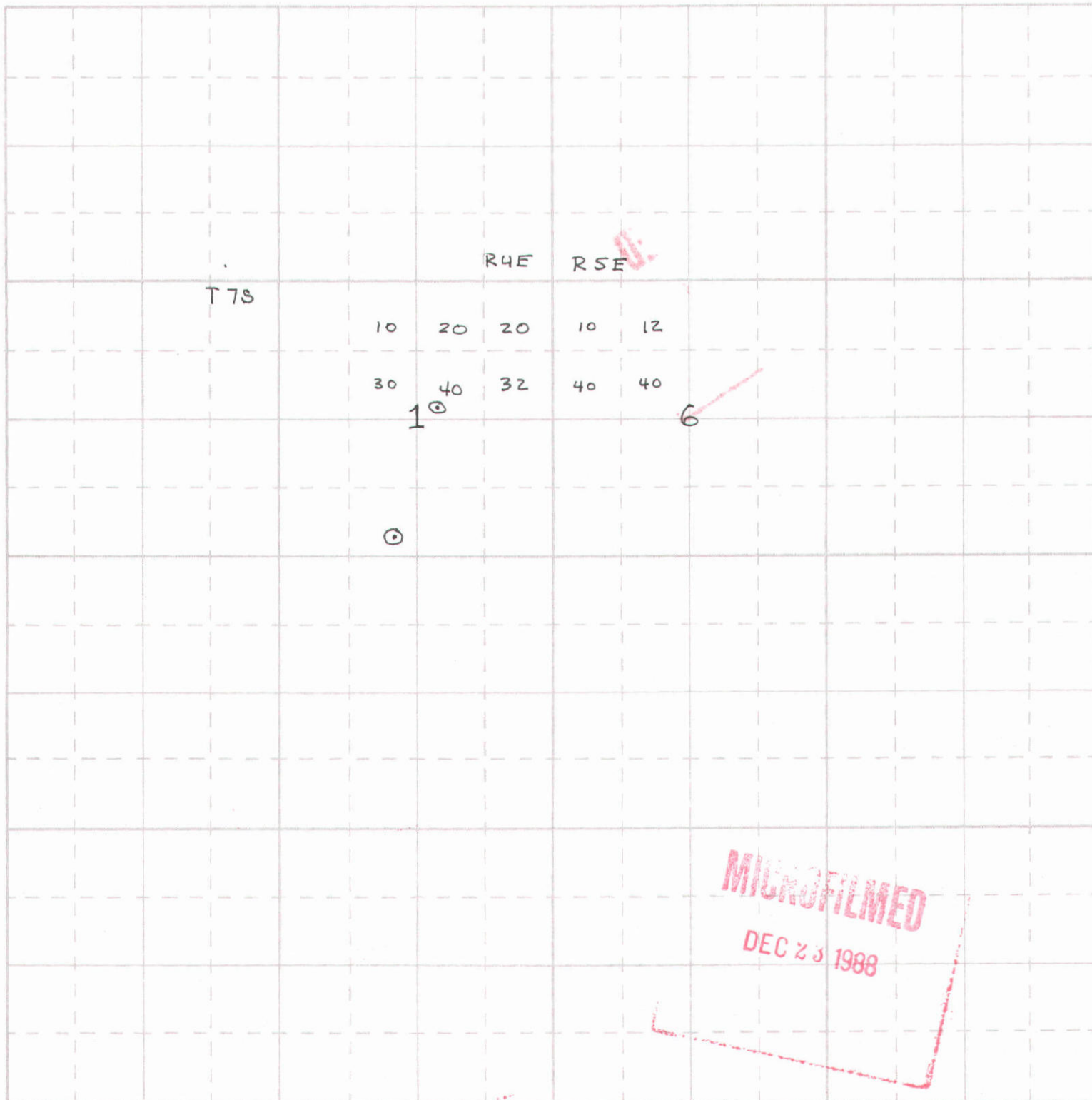
21 & 28, 1992

RECEIVED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Dept. of Water Resources

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, David G. Landmann, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in Two (2) (consecutive)
calendar weekly issue(s) of said newspaper, in the following date(s):

December 2, 1987
December 9, 1987

(Signed)

David G. Landmann

Subscribed and sworn to before me this 9th day of Dec
A.D., 1987

Kletta M. Pedersen

Notary Public in and for the State of Idaho,

residing at Idaho, Idaho.

My commission expires March 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-2122 U&P

Notice is hereby given that M. K. &/or Grace E. Thomas of Bruneau, Idaho have applied to the Department of Water Resources for a change of the nature of use and point of diversion of the water of a groundwater source. The right sought to be changed is evidence by Water Right No. 51-2122 and is recorded as follows:

Amount: 6.04 cfs. Priority: 7/2/1951. Point(s) of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 7S, Rge. 4E. The water is used for irrigation purposes within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, Twp. 7S, Rge. 4E, and the NW $\frac{1}{4}$, Sec. 6, Twp. 7S, Rge. 5E, for a total of 302 acres.

TO BE CHANGED AS FOLLOWS

Amount: 1.0 cfs up to 240 acre feet per annum for Fish Propagation and 5.08 cfs for Irrigation. Total: 6.04 cfs and 1510 acre feet per annum. Point(s) of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 7S, Rge. 4E. The water will be used for irrigation purposes within the NE $\frac{1}{4}$, Sec. 1, Twp. 7S, Rge. 4E and the NW $\frac{1}{4}$, Sec. 6, Twp. 7S, Rge. 5E, for 254 acres and fish propagation within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 7S, Rge. 4E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before December 21, 1987.

s/R. Keith Higginson
Director

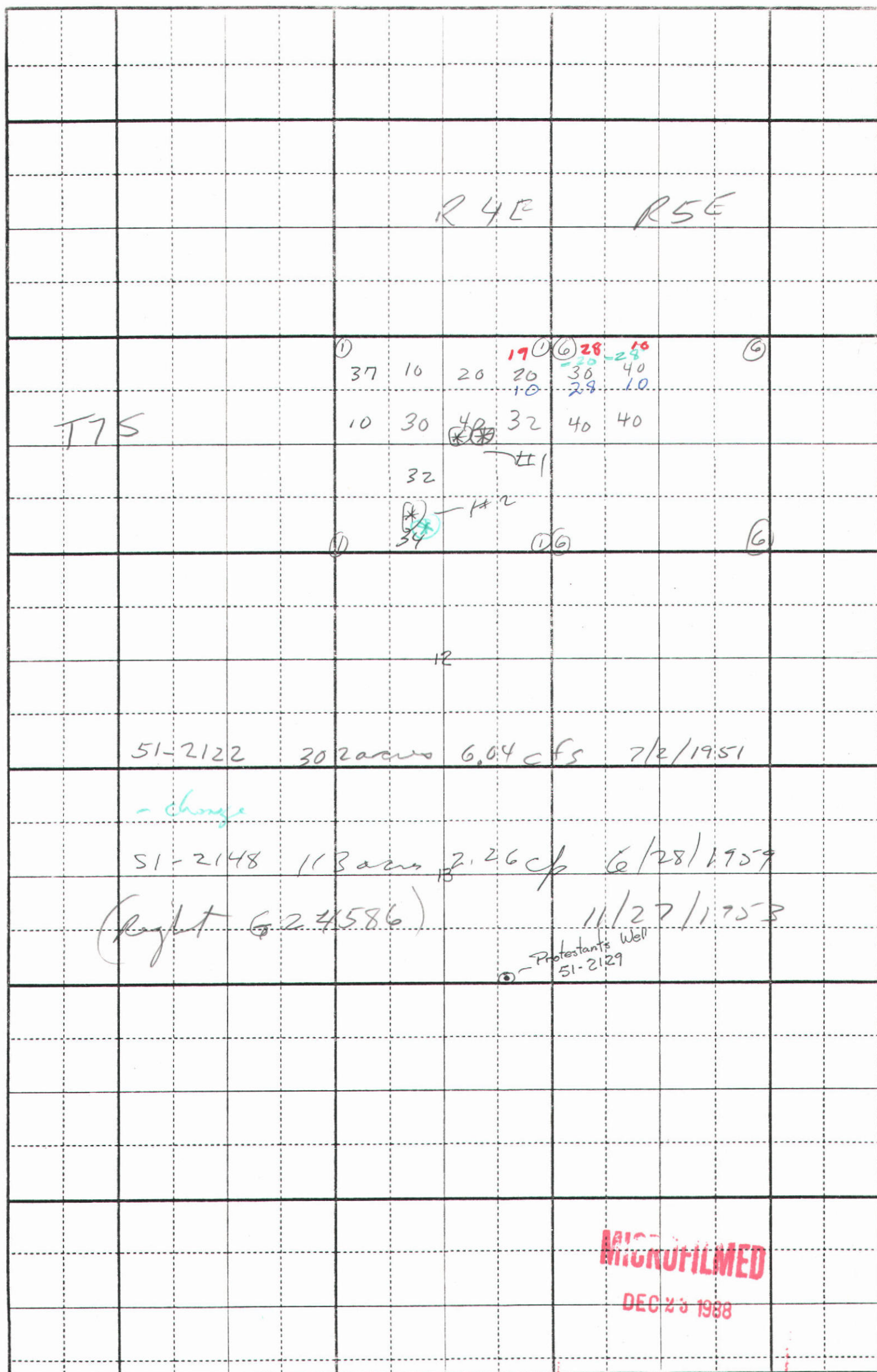
29
Publish Dec. 8 & 9, 1987, 21

RECEIVED
JAN 13 1988

Department of Water Resources
Western Regional Office

MICROFILMED

DEC 20 1988



State of Idaho

License and Certificate of Water Right

Water License No. G-22227

Amount 6.04 c.f.s.

Water District No.

Priority July 2, 1951

THIS IS TO CERTIFY that FERN DeCOURSEY - Assignee - AUDREY I. BURROUGHS, made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1951; that Permit No. G-22227 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.04 second feet, was issued thereunder on July 14, 1964, showing that said works were completed on the 6th day of June, 1959; and that on the 6th day of June, 1959, AUDREY I. BURROUGHS

of Homedale, State of IDAHO, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-22227 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7867, on the 14 day of July, 1964; The right hereby confirmed dates from July 2, 1951;

The Point of Diversion is located in the SW 1/4 NE 1/4 Sec. 1, Tp. 7S, R. 4E., B. M. County Owyhee. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	4 E.	1	NE 1/4 NE 1/4	40	20
			NW 1/4 NE 1/4	40	20
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	32
			NE 1/4 NW 1/4	40	10
7 S.	5 E.	6	SE 1/4 NW 1/4	40	30
			E 1/4 NW 1/4	80	80
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			Total number of acres to be irrigated:		300

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14th day of July, 1964.

(SEAL)

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

WATER LICENSE

Water License No. G-27931/51-2148Priority June 28, 1959Amount 2.20 c.f.s.

THIS IS TO CERTIFY, that

John Decourcy - Assignee - B. B. BUTTROUGHSof Homedale, Idahomade application for a permit to appropriate the public waters of the State of Idaho, dated May 12, 1959; that Permit G-27931/51-2148 was issued pursuantto said application; that the proposed works were completed on or about June 30, 1964with a storage/or carrying capacity of 2.5 c.f.s., said works consisting of 2 wellsand that on July 2, 1964proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 565 acre feet per season, with a maximum rate of diversion of 2.26 cubic feet per second of the waters of ground-water, tributary offor the purpose of Irrigation from April 1 to October 31; and for and for from to; and for from to; and that the useof said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SW 1/4 NE 1/4, Sec. 1, T. 7 S., R. 4 E., B.M., and other additional points SE 1/4 SW 1/4, Sec. 1, T. 7 S., R. 4 E., B.M., in the County of Owyhee; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 565 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	4 E	1					17	10		32			34						113

Total number of acres irrigated 113

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of December, 1960.

State Reclamation Engineer

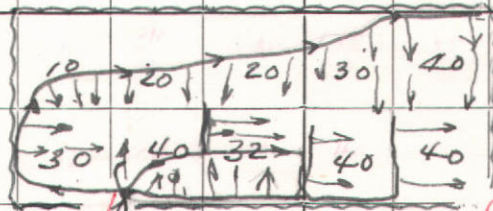
27931

51-2148

R-4E.

R-5E.

T.
7
S.



120

182

302

PD

Subdivision

10

Area

302 Acres

Q

6.04 cfs or 302 inches

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
APR 21 1981

Department of Reclamation

Federal 93278
Richard
Oregon
R#1

Permit No. G-22227

Audrey T. Burroughs
Homedale, Idaho

Examination for Completion of works & Beneficial Use

County Owyhee

measured

1-7S.-4E.

6.4 a.f.s.

See Well

P.D. = SW. NE, Sec. 1, T. 7S. - R. 4E. - M.

We = Irrigation

Say 350" 14" Pressure with 150"

T = 102° F. est. dd.

Filed = July 2, 1951

Due = June 14, 1959

no other right

1767 x 16" d. 500' end

Brewer, Homer
Goin, Marion

Joshua Hendy gate
valve 14"

10' x 16" pipe down into
pool. 14' x 24' x 4' deep.

16" V 3' casing above ground
concrete around casing at
ground level 16" Tee reduced
to 14" for above valve.

steel plate on top of csq with
1 1/2" pipe reduced to 3/4" for garden
hose.

B

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 4 consecutive weeks, the first publication being on the 30 day of April, 1959, and the last publication being on the 21 day of May, 1959;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER.

Subscribed and sworn to before me this 25 day of May, 1959.

Leona S. Hawes
NOTARY PUBLIC.

My commission expires 9-10-60

(SEAL)

RECEIVED
JUN 23 1959
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 6th day of June, 1959, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at 618 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22227 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Audrey I. Burroughs, Rt. 1, Homedale, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T7S, R4E, B. M.

5. The place where said water is used is Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T7S, R4E, B. M. Lots 3, 4, 5, 6, Sec. 6, T7S, R5E, B.M.

6. The date of priority which said user is prepared to establish is 7/2/51.

GEO. N. CARTER
State Reclamation Engineer
(April 30 — May 21)

G-22227

4-279

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
JUN 20 1955

Department of Reclamation

June 17, 1955

(Date)

AMENDED

NOTICE OF ALLOWANCE

Fern De Coursey
315 - 20th Avenue South
Nampa, Idaho

Sir:

Your Desert-Land entry, Serial No. Idaho 02148
(Kind of application or entry)

Receipt No. 2459, for Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E.;

Lots 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6

Township 7 S., Range 5 E., Boise Meridian,

containing 317.97 acres, ~~has this day been allowed~~ ^{was} June 14, 1954

your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The allowance of this application is subject to a right-of-way under Sec. 2477 R.S., for a road to be constructed by Owyhee County, 50' wide across the north part of Lots 3 and 4, T. 7 S., R. 4 E., B.M., Idaho, along the section line. This office should be advised when the construction of the road has been completed. The allowance is also subject to Bureau of Land Management Project #68, Duck Valley-Grandview truck trail.

Very respectfully,

Paul A. Shepard

Manager

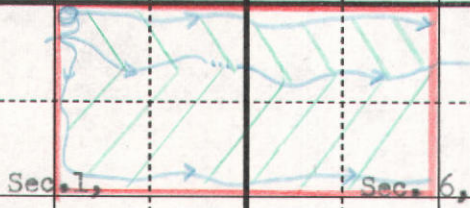
cc: DRM, Boise, Idaho
State Reclamation Engineer, Boise, Idaho
Land Office, Boise
B.M., Boise,
LAM Officer, Boise

22117

22227

T 7 S - R 4 E B.M.

T 7 S - R 5 E B.M.



Permit Map No. 8-22227

As Approved

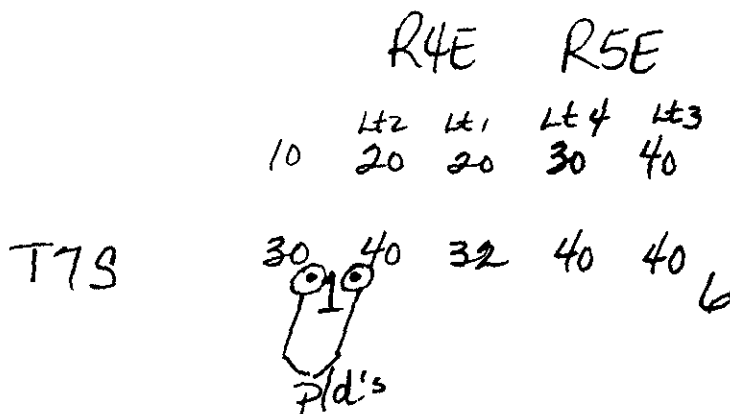
JUL 7 1951

MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



APPROVED
 JUN 28 1961

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Irrigation	1.0	-	4/1 to 10/31
2	Quantity and quality of return flows and location of discharge			

3 Describe effects on other water uses resulting from the proposed change

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right The information contained in this application is true to the best of my knowledge
I understand that any willful misrepresentations made in this application may result in voiding its approval

Subscribed and sworn to before me this 27th day of August, 1992
(Signature of Applicant)
Notary Public (Notary Public) 27-92

My commission expires 2-27-94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments
Received by SC Date 8/25/92
Prelim check by SC Fee \$50.00 #2025112
Received by SC Date 8/4/92
Published in Douglas, Arizona
Pub dates 10/28/92
Watermaster recommendation requested on
Recommended for ☒ approval ☐ denial
Hearing held by
Copies of protest forwarded by
Date
by
rec'd
Copy of transfer sent to lien holder

THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3 That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice

4 That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said

newspaper, in

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

October 21 + 28, 1992

Signed

Subscribed and sworn to before me this 28th day of October A.D., 1992

Constance B. Beckley
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires October 1997

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 51-02122

Notice is hereby given that M. K. and/or Grace E. Thomas of Bruneau have applied to the Department of Water Resources for a change of nature of use and place of use of the water of groundwater. The right sought to be changed is evidenced by License and is recorded as follows.

Amount: 1.0 cfs Fish

Propagation

5.08 cfs Irrigation

Priority: 07/02/1951

Point(s) of Diversion: SWNE and SESW Sec. 1 T07S

R04E. The water is used for Fish Propagation and

Irrigation. Irrigation purposes

in T07S R04E Sec. 1 NE1/4,

E1/2NW, Sec. 6 NE1/4, 254

acres total. Fish Propagation

in T07S R04E Sec. 1 SESW,

Owyhee County.

TO BE CHANGED AS FOLLOWS

Amount: 1.0 cfs

Point(s) of Diversion: No

Change

The water will be used for

Irrigation only purposes T07S

R04E Sec. 1 NE1/4,

E1/2NW, Sec. 6 NW1/4, 302

acres total.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before November 9, 1992.

R. Keith Higginson
Director

NOV 28 1992

RECEIVED

AUG 25 1992

Page 1 of 56STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4037

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant M. K. &/or Gracie E. Thomas Phone _____
Post Office address HC 85 Box 145 Bruneau, Idaho 83604

A. PURPOSE OF TRANSFER

- 1 ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Fish propagation use proposed under previous transfer was not developed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|----------------------------|
| <u>51-2122</u> | <u>07/02/1951</u> | <u>6.04</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 6.04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	1	7S	4E	Owyhee	
		SE	SW	1	7S	4E	Owyhee	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	4E	1	Lt1 20	Lt2 20	40	32	10			30									152
7S	5E	6					Lt3 40	Lt4 30	Lt5 40	40									150

MICROFILMED

JAN 28 1993

Total acres 302

PART 1

6 General Information

a Description of diversion system Two wells, pipeline and sprinkler

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-02122
And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 17th day of

CHIEF, WATER ALLOC. BUREAU

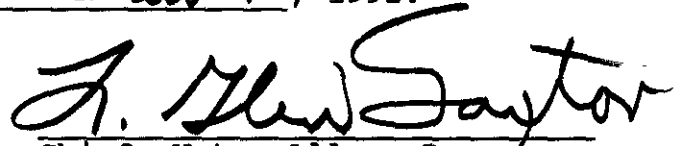
JAN 28 1993

RECEIVED

**CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 51-02122**

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 17th day of December, 1992.


Chief, Water Alloc. Bureau

RECEIVED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 51-2122 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
- d. Transfer No. 3371 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 07/02/1951

5. Water is used for the following purpose

amount 5.08 for irrigation purposes from 4/1 to 10/31
(cfs/ac-ft) amount 1.0 for fish propagation purposes from 1/1 to 12/31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	1	7S	4E	Owyhee	
		SE	SW	1	7S	4E	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	4E	1	41	42	40	32	10			30				H					152
7S	5E	6					12	10	40	40									102

Total acres 254

9. Describe any other water rights used for the same purpose as described above _____

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount		for		purposes from		to	
(cfs/ac-ft)							
amount		for		purposes from		to	
(cfs/ac-ft)							
amount		for		purposes from		to	
(cfs/ac-ft)							
2. Point(s) of Diversion							

2. Point(s) of Diversion

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1	amount	for	purposes from	to
	amount (cfs/ac-ft)	for	purposes from	to
	amount (cfs/ac-ft)	for	purposes from	to
	amount (cfs/ac-ft)	for	purposes from	to

2 Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 51-7298 AND APPLICATION)
FOR TRANSFER NO. 51-2122 IN THE NAME)
M.K. and/or GRACE E. THOMAS)
_____)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

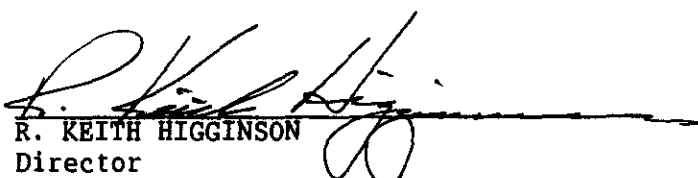
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on April 5, 1988, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and the time within which to submit proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1991.

Dated this 12TH day of July, 1988.


R. KEITH HIGGINSON
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 51-7298 AND APPLICATION
FOR TRANSFER NO. 51-2122

SOURCE: Ground Water

M.K. and/or GRACE E. THOMAS

COUNTY: Owyhee

Applicants,

DAVID LAHTINEN

Protestant.

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR TRANSFER AND APPLICATION FOR PERMIT

BY HEARING OFFICER BOBBY D. FLEENOR.

M. K. and/or Grace E. Thomas (applicants) having: a) filed with the Department of Water Resources Application for Transfer of Licensed Water Right No. 51-2122, and b) received by assignment from Aquatrop, Inc., Application for Permit No. 51-7298; protests having been filed; and a hearing having been held, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

The Applications

1. On November 2, 1987, M. K. and/or Grace E. Thomas applied to the Department of Water Resources to change the nature of use of a portion of licensed water right No. 51-2122 from irrigation to fish propagation, and to extend the season of diversion for the fish propagation to a year-around period. The application proposes to no longer irrigate 48 acres identified as irrigated under the license to compensate for the year-around diversions for fish

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propagation purposes, so that no additional water is proposed to be diverted on an annual basis. The 48 acres so specified are 28 acres within Lot 3 (NE1/4NW1/4) and 20 acres within Lot 4 (NW1/4NW1/4), Sec. 6, Twp. 7 S., Rge. 5 E., B.M. The application also proposes to add a point of diversion to the licensed water right so that the fish propagation flows, to a maximum rate of 1.0 cubic feet per second (cfs), could be diverted from a nearby well rather than from the well identified by the license. The point of diversion for irrigation described under the the license is located in the SW1/4NE1/4, Sec. 1, Twp. 7 S., Rge. 4E., B.M. The point of diversion from which the fish propagation water is proposed to be diverted is located in the SE1/4SW1/4 of the same section.

2. On November 24, 1987, Aquatrop, Inc. filed an Application for Permit which proposes to use for fish propagation the water presently being diverted for irrigation purposes from the irrigation wells located in both the SW1/4NE1/4 and the SE1/4SW1/4, Sec. 1 Twp. 7 S., Rge. 4 E., B.M., to a maximum of 2.5 cfs.

Application Processing

3. Notices of both the Application for Transfer and the Application for Permit were published in the Owyhee Avalanche on December 2 and 9, 1987. Protests against approval of each of the applications were received from David Lahtinen.

4. On December 15, 1987, the Department received and accepted an Assignment of Application for Permit No. 51-7298 from Aquatrop, Inc. to M. K. and/or Grace E. Thomas.

Hearing

5. A hearing regarding the protested applications was held in Mountain Home on January 7, 1988. Mr. M. K. Thomas was present and was represented by fisheries consultant, Joseph T. Scheutz. The present and

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represented himself. In addition, comments were provided by representatives from Aquatrop, Inc., and from landowners in the vicinity of the proposed fishery operation.

6. The protestant does not object to the use of water for fish propagation as an additional use for flows diverted for irrigation purposes. The primary objection of the protestant with respect to both applications is the diversion of water from the aquifer during the non-irrigation season. The protestant testified that the flows of artesian wells in the vicinity of the proposed project have been generally declining during the past several decades.

7. At the hearing Mr. Scheutz as a representative of the permit holder submitted a facility diagram for the project. The facility includes tanks that have a total volume of 0.70 acre-feet. The fish tanks are inside a building and will be used to hatch and rear tropical fish of the type used in aquariums.

8. At the hearing, the applicant identified on an aerial photograph the specific acres he intends to cease irrigating to provide a year-around water supply for fish propagation. The acres identified are as follows: 19 acres in Lot 1 (NE1/4NE1/4) Sec. 1, Twp. 7 S., Rge 4 E.; 28 acres in Lot 4 (NW1/4NW1/4) and 10 acres in Lot 5 (SW1/4NW1/4), Sec. 6, Twp. 7 S., Rge. 5 E, B.M, for a total of 57 acres.

Information in the Files of the Department

9. The applicant has two water rights which must be evaluated to obtain a clear picture of what is being proposed under the applications for transfer and for permit. First, licensed water right No. 51-2122 is for the irrigation of 302 acres with a flow of 6.04 cfs of water, from the well in the SW1/4NE1/4, Sec. 1, Twp. 7 S., Rge. 4 E., B.M. The date of priority for this water right is July 2, 1951. Second, licensed water right No. 51-2148 is for the irrigation of 113 acres with a flow of 2.26 cfs of water, from two points of diversion located in the SW1/4NE1/4 (the same well as the first license), and

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the SE1/4SW1/4, both in Sec. 1. The date of priority for this water right is June 28, 1959. The places of use for the two water rights are different land, so a total of 445 acres are shown to be irrigated under the two licenses.

10. For purposes of this decision the well located in the SW1/4NE1/4 will be identified as Well No. 1, and the well located in the SE1/4SW1/4 will be identified as Well No. 2. Department records contain no information concerning depth, construction, etc. for Well No. 1 and Well No. 2. The water discharged from the two wells is the same temperature.

11. The transfer application proposes to reduce the amount of water diverted from Well No. 1 by reducing the number of acres irrigated from Well No. 1, and to divert the water saved from Well No. 2, to be used for fish propagation purposes. The application for permit proposes that the water diverted for irrigation under existing water rights from Well Nos. 1 & 2 be also used for fish propagation and that the total combined rate of diversion shall not exceed 2.5 cfs.

12. The protestant's well is located more than two miles from Well No. 2, which is the nearest of the two wells. The protestant's well is a flowing artesian well that receives water from the same aquifer as the applicant's two wells.

13. According to data published in a report entitled "Estimating Consumptive Irrigation Requirements for Crops in Idaho", by R.G. Allen and C.E. Brockway, published by the University of Idaho Water and Energy Resources Research Institute, August, 1983, the mean irrigation requirement for alfalfa in the vicinity of the presently irrigated lands is 3.5 acre-feet per acre. Based on an average irrigation efficiency of 70 percent, 5.0 acre-feet is the annual diversion requirement for each irrigated acre.

14. None of the water diverted will be returned to the deep artesian aquifer from which it comes.

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15. The Department considers the normal irrigation season in the vicinity of the applications to be from March 15 through November 15. However, in some years the period during which water can be beneficially applied to crops is significantly shorter.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 (Supp. 1987) states in part as follows:

Any person, entitled to the use of water ... who shall desire to change the point of diversion, place of use, period of use, or nature of use of all or part of the water, under the right shall first make application to the department of water resources... The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in Section 42-203, Idaho Code.

2. Idaho Code, Sec. 42-203A(5) (Supp. 1987) states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

3. The local public interest criterion of Idaho Code (5)

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(Supp. 1987) is defined by the Department's Water Appropriation Rules and Regulations, Rule 5,1,5, to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local area affected by the proposed project; compliance with applicable air, water and hazardous substance standards; and compliance with planning and zoning ordinances of local or state government jurisdictions.

Application of Legal Principles

Authority to Make a Change

4. Pursuant to the Idaho Code, a wateruser is entitled to make a change in the nature of use, the period of use, and the point of diversion of a water right if the change will not injure other water rights, does not constitute an enlargement in use and is in the local public interest.

Interference

5. The proposed addition of Well No. 2 as a point of diversion is anticipated to have no negative impact because it appears that Wells No. 1 and No. 2 divert from the same geothermal aquifer and are at least two miles away from the protestant's well. Diversion during the non-irrigation season months is not anticipated to have a harmful effect on the aquifer, since the total annual volume of water removed from the aquifer will not be increased.

Enlargement

6. The applicant should be allowed to divert water at a rate and volume up to, but not exceeding the allocated water rights. In this case, the proposed fish propagation facility can be built without increasing the amount of water diverted annually since the diversion for non-irrigation use will be off-set by a reduction of diversions for irrigation.

Local Public Interest

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7. Development of the proposed fish propagation system is found to be in the local public interest based on established criteria.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Licensed Water Right No. 51-2122, and Application for Permit No. 51-7298 are APPROVED subject to the following conditions:

1. Permit No. 51-7298 shall be subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use for Permit No. 51-7298 shall be submitted on or before the date indicated on the final order.
3. A totalizing flow meter and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works for both Well No. 1 and Well No. 2 prior to diverting water for fish propagation.
4. The wateruser shall maintain a daily log of the volume of flows diverted through both Well No. 1 and Well No. 2. The log shall specify what portion of the flow is used for irrigation on the land of the wateruser. A copy of this log shall be forwarded to the Western Regional Office of the Department twice each year, or as requested by the department for the period November 16 through March 14, and the period March 15 through November 15.
5. For each irrigation year, defined as the period from November 16 through November 15 of the following year, the flow that is diverted under these water rights but is not used for irrigation purposes is limited to a rate of flow of 1.0 cfs and a volume of 240 acre-feet. Correspondingly, irrigation must cease on 48 previously irrigated acres, described as 28 acres within Lot 4 (NW1/4 NW1/4), 10 acres within Lot 5 (SW1/4 NW1/4), Sec. 6, Twp 7 S., Rge 5 E.; and 10 acres within Lot 1 (NE1/4 NE1/4), Sec. 1, Twp 7 S., Rge 4 E., B.M.
6. The wateruser shall allow Department **MICROFILMED** future

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watermaster access to read and check the performance of all measuring devices specified in this approval.

7. Return water if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards. If the waste water is disposed of by subsurface means, the injection well shall meet the requirements of the Department of Water Resources' Waste Disposal Well standards.

8. Assignment or sale of Permit No. 51-7298 is subject to a determination by the Director that the permit holder has proceeded to develop the permit with due diligence and without speculation.

9. The facility volume is limited to 0.70 acre-feet.

10. The water right holder shall be required to provide to the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based on actual fish production.

11. Violation of the conditions identified herein will be cause for the Department to void the approval of this transfer and permit.

Dated this 4th day of April, 1988.


BOBBY D. FLEENOR,
HEARING OFFICER

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Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 51-2122

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DEC 10 1988

APPROVEDName of applicant M. K. &/or Grace E. ThomasPost Office address HC 85, Box 145 Bruneau, ID 83604

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use☒ Change nature of use ☐ Change period of use ☐ Other _____2. Describe the reason for the proposed changes To allow non-irrigation season diversion of
water for fish propagation

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|----------------------------|
| <u>51-2122</u> | <u>7/2/1951</u> | <u>1.0</u> | <u>Fish Prop.</u> | <u>1/1</u> to <u>12/31</u> |
| | | <u>5.08</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 6.04 cubic feet per second and/or 1510.0 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	1	7S	4E	Owyhee	
		SE	SW	1	7S	4E	Owyhee	

5. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	4E	1	Lt1 20	Lt2 20	40	32	10			30				F					152
7S	5E	6					Lt3 12	Lt4 10	40	40									102

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Total acres 254

6. General Information.

a. Description of diversion system Two wells, pipeline & sprinkler

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PART 1

Transfer No

Page 2 of 5

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No ☐ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Less acres irrigated

d. Remarks:

The volume of water diverted during the non-irrigation season for fish propagation is deducted from the volume used for irrigation and the number of acres irrigated was reduced at a rate of 5 af/ac.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-2122
And said application is hereby APPROVED, subject to the following limitations and conditions:

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER ADOPTING PROPOSED MEMORANDUM

DECISION AND ORDER.

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Witness my hand this 12th day of July 19 88

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 51-2122 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 7/2/1951

5. Water is used for the following purpose:

amount 6.04 for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 6.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	1	7S	4E	Owyhee	

8. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	4E	1	20	20	40	32	10			30									152
7S	5E	6					40	30	40	40									150

Total acres 302

9. Describe any other water rights used for the same purpose as described above 51-2148 - this right
does not overlap lands removed from irrigation

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

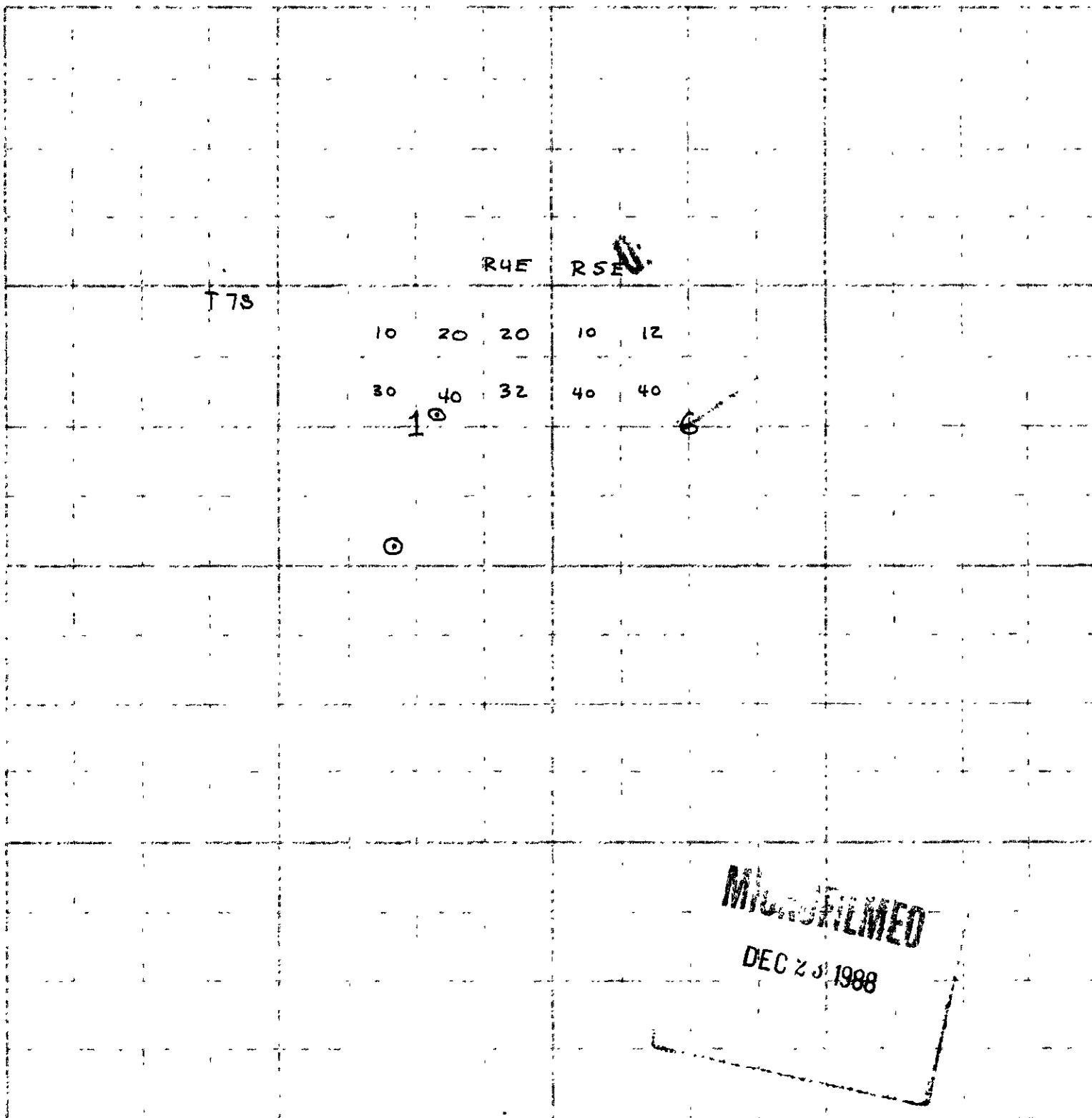
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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 DEC 23 1988

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
1.	Fish propagation	1.0' 240000 cfs	120 days @ 24 hrs/day	1/1 to 12/31

2. Quantity and quality of return flows and location of discharge

3. Describe effects on other water uses resulting from the proposed change

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use

of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval

(Signature of Applicant)

~~November~~

19 87

Subscribed and sworn to before me this

2nd

(Notary Public)

My commission expires

1.1.87

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 1 attachments

Received by Mr. J. M. M. Date 11-2-87 11-13-87

Prelim. check by CU #45656 Fee 11/5/87

Received by CU #45656 Date 11/5/87

Published in Owyhee Avalanche

Pub dates 12/2 & 12/9/87

Watermaster recommendation requested on

rec'd. by

by

Copy of transfer sent to lien holder

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Period of Use

Hours/days/year

Amount (cfs/ac-ft)

to

to

Transfer No.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
AND APPLICATION FOR TRANSFER OF WATER)
RIGHT NO. 51-2122 IN THE NAME OF M. K.)
AND/OR GRACE E. THOMAS)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 14th day of July, 1988, a true and correct copy of foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION, was mailed postage prepaid to:

M. K. and/or Grace E. Thomas
HC 85 Box 145
Bruneau, ID 83604

David Lahtinen
Box 167
Bruneau, ID 83604

Aqua Trop, Inc.
8150 Emerald, Suite 150
Boise, ID 83704



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

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DEC 23 19

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 51-7298 AND)
APPLICATION FOR TRANSFER OF)
WATER RIGHT NO. 51-2122)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

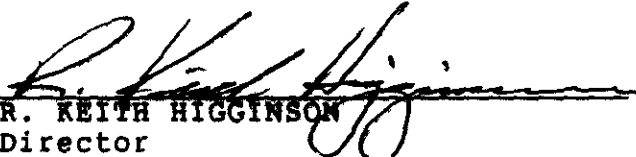
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 5th day of April, 19 88.


R. KEITH HIGGINSON
Director

04/11/88

RECORDED

DEC 23 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
AND APPLICATION FOR TRANSFER OF WATER)
RIGHT NO. 51-2122 IN THE NAME OF M. K.)
AND/OR GRACE E. THOMAS)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 5th day of April, 1988, true and correct copies of foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed postage prepaid to:

M. K. and/or Grace E. Thomas
HC 85 Box 145
Bruneau, ID 83604

David Lahtinen
Box 167
Bruneau, ID 83604

Aqua Trop, Inc.
8150 Emerald, Suite 150
Boise, ID 83704



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

DEC 23 1988

December 4, 1987

To whom it may concern:

I wish to protest the file No. Trans- 51.21-22 for the reason(s)

I am concerned about further
lowering of the equifer.

name

D. L. HATTIN

address

Bureau Box 167

Idaho 83604

845-2208

RECEIVED

DEC 1 1987

Department of Water Resources
Western Regional Office

RECEIVED

DEC 4 1987

Department of Water Resources
Western Regional Office

MICROFILMED

DEC 23 1988

Dept. of Water Resources

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4881

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, David G. Landmann, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in Two (2) (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

December 2, 1987
December 9, 1987

(Signed).....

David G. Landmann

Subscribed and sworn to before me this 9th day of Dec A.D., 1987

Kletta Pedersen

Notary Public in and for the State of Idaho,

residing at Idaho, Idaho.

My commission expires March 1988

RECEIVED
JAN 7 1988

Department of Water Resources
Western Regional Office

MICROFILMED

DEC 20 1988

State of Idaho
License and Certificate of Water Right

Water License No. G-22227

Amount 6.04 c.f.s.

Water District No. _____

Priority July 2, 1951

THIS IS TO CERTIFY that FERN DeCOURSEY - Assignee - AUDREY I. BURROUGHS
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 2, 19 51; that Permit No. G-22227
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.04 second feet, was issued thereunder on July 14, 19 64, showing that said works
were completed on the 6th day of June, 19 59; and that on the 6th
day of June, 19 59, AUDREY I. BURROUGHS

of Homedale, State of IDAHO, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-22227 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7867, on the 14 day of July, 19 64;

The right hereby confirmed dates from July 2, 19 51;

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 1, Tp. 7S, R. 4E., B. M. County Owyhee

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 6.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	4 E.	1	NE 1/4 NE 1/4	40	20
			NW 1/4 NE 1/4	40	20
			SE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	32
			NE 1/4 NW 1/4	40	10
			SE 1/4 NW 1/4	40	30
7 S.	5 E.	6	E 1/2 NW 1/4	80	80
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			Total number of acres to be irrigated:		302

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of July, 19 64.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

51 2122

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 29956
Permit No. G- 22227
District No.

1. Name of Applicant: **FERN DeCOURSEY**
Postoffice address: **315 20th Ave., So. Nampa County: Canyon** State: **Idaho**
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. **6.4** or Idaho
Miners' inches **320** or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean through a drilled well cased (expected to be artesian)**
4. Location of point of diversion or well is in the **NW** $\frac{1}{4}$ of the **NE** $\frac{1}{4}$ of Section **1**
Twp. 7 S., Rge. **4 E.**, B M., County of **Owyhee**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B. M
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. . B. M.
7. Kind of works: **Drilled well, cased. This is in an artesian area; if not raising to the surface it will be equipped with turbine type pump.**
8. Estimated cost of works: **\$3,000.00**
9. (a) Is reservoir to be used? **No**
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **Five(5)** years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) **All** (cubic feet per second, inches or gallons per minute) is for new lands.

This application is for development of subterranean water to use in connection with a desert land entry as filed in the Idaho Land & Survey Office, Boise, Idaho.
It is planned that the beneficial use of the water will be made upon the federal lands included in this federal filing, which will be tilled for agriculture.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

FERN DeCOURSEY Applicant.

By Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 3:45 P. M. July 2, 1951

Re'urned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G- 22227

Recorded in Book 79 Page 22227 Approved July 7, 1951

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before September 7, 1951 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 7, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before July 7, 1956

Witness my hand this 7th day of July, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN Governor of the State of Idaho, and IRA H. MASTERS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th day of July, 1951

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS Secretary of State.

By LEN JORDAN Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S.	4 E.	1	40	40	40	40													160
7 S.	5 E.	6					40	40	40	40									160
Total Number of Acres to be Irrigated - -																			320
STATE OF IDAHO DEPARTMENT OF RECLAMATION																			
WHEREAS, Permit No. G-22227, in the name of Fern DeCoursey, required Proof of Completion of Works on or before July 7, 1956; and,																			
WHEREAS, Said Permit was issued in connection with a Desert Land Entry which was not allowed until June 14, 1954; and,																			
WHEREAS, Said Permit Holder was unable to proceed with construction until the allowance of her Desert Land Entry.																			
NOW, THEREFORE, An extension of time is allowed for Completion of Works on Permit No. G-22227 until June 14, 1959, or the length of time she was prevented from proceeding pending allowance of her Desert Land Entry, and a similar extension is granted for each and every other act required under the terms and conditions of Permit No. G-22227.																			
Witness my hand this 3rd day of December, A. D. 1954.																			
																			MARK R. KULP State Reclamation Engineer

A S S I G N M E N T

✓
For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-22227 to Audrey I. Burroughs of Homedale, Idaho.

/s/ Fern DeCoursey
Permit Holder
/s/ Joseph L. DeCoursey
Husband of Permit Holder

State of Idaho)ss
County of Ada)

On this 22 day of March, 1958, before me, a Notary Public for the State of Idaho, residing at Boise, personally appeared Fern and Joseph L. DeCoursey known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(SEAL)
My commission expires 10/11/59

/s/ Harley M. McDowell
Notary Public, residing at Boise, Idaho

Received and filed for record
in the Department of Reclamation March 26, 1958
MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-22227

Comes now AUDREY I. BURROUGHS, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-22227, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E., B. M.

Lots 3, 4, 5, 6 Section 6, T. 7 S., R. 5 E., B. M., making a total of 560 acres.

That the additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 21st day of April, 1959.

s/ Audrey I. Burroughs

Date of receipt at office of Department of Reclamation: April 22, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-22227. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

RECORDED: April 23, 1959

Permit No. G-22227
CERTIFICATE OF COMPLETION OF WORKS

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that FERN DeCOURSEY - Assignee - AUDREY I. BURROUGHS of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-22227, issued upon Application No. G-29956, bearing date of priority of July 2, 1951, authorizing the diversion of 6.4 second feet of waters of a well, County of Owyhee, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 6.04 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

302 acres in NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E., B. M.; NW $\frac{1}{4}$, Sec. 6, T. 7 S., R. 5 E., B. M.

Witness my hand this 14th day of July, A. D. 1964.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Proof of Completion of Works Made: June 6, 1959

6.04 SEC. FT.
7867

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-22227

Comes now AUDREY I. BURROUGHS and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. G-22227

That the point of diversion is described in said permit as being located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E., B. M.

That he now requests that the point of diversion be changed to a point located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 7 S., R. 4 E. B. M.

That his reasons for desiring to make such change are as follows: This is a more feasible well site.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho this 6th day of June, 1959

s/ AUDREY I. BURROUGHS

Date of Receipt at Department of Reclamation: June 16, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22227. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: June 19, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-22227

Comes now AUDREY I. BURROUGHS, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-22227, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 1, T. 7 S., R. 4 E., B. M., NW $\frac{1}{4}$, Sec. 6, T. 7 S., R. 5 E., B. M.
making a total of 400 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected thereby by such change.

Signed at Boise, Idaho, this 6th day of June, 1959.

s/ AUDREY I. BURROUGHS

Date of Receipt at Dept. of Reclamation June 16, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22227. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: June 19, 1959



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1992

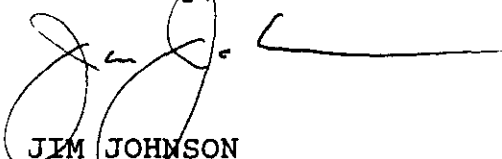
M K THOMAS
GRACE E THOMAS
PO BOX 145
BRUNEAU ID 83604-0145

RE: Transfer of Water Right No. 51-02122

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4037). Be sure to note any conditions of approval as listed on the second page.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

DEC 28 1992

MEMORANDUM

TO: File 51-02122
FROM: Sharla
DATE: December 16, 1992
RE: Transfer Review (No. 4037)

The above referenced transfer application proposes to change the nature of use and place of use under this right.

This right was originally licensed for irrigation purposes. In 1988 a transfer was filed to remove 1.0 cfs from irrigation to be used for fish propagation. Shortly thereafter the right holder filed an application for permit for additional water to be used for fish propagation.

Proof of beneficial use was due on the second permit August 1, 1992. The permit holder came into the office about that time to discuss his water rights. He stated that fish propagation was abandoned due to economic feasibility. The entire 6.04 continued to be and still is used to irrigate the full 302 acres. Since the fish propagation use was never developed as identified in the original transfer, no injury to existing rights will occur if the nature of use is allowed to be changed back to a consumptive use (irrigation). The second permit was relinquished and this transfer application was filed.

Advertising was completed correctly. The transfer can be approved with the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

RECEIVED
JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 6

1. Right number 51-02122 Applicant M. K. +/on GRACE E THOMAS
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other change nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☐ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments see attached memo from Jim Johnson
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☐ No GW
If yes, what district? _____ Comment letter sent ☐ Yes ☐ No

FINAL PROCESSING REVIEW BY: Der

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By Der Date 11/23/1992

* All uses within Watermaster Districts require special conditions.

MEMORANDUM

TO: ~~Western~~ File
FROM: Jim
DATE: August 26, 1992
RE: Application for Transfer

Right 51-02122 was originally licensed for irrigation purposes. In 1988 a transfer was filed to remove 1.0 cfs from irrigation to be used for fish propagation. Shortly thereafter the right holder filed an application for permit for additional water to be used for fish propagation.

Proof of beneficial use was due on the second permit August 1. The permit holder came into the office on August 4 to discuss his water rights. He stated that fish propagation was abandoned due to economic feasibility. The entire 6.04 cfs is again being used to irrigate the full 302 acres. The transfer application attached is the reflection of this.

A transfer to change water from a non-consumptive use to a consumptive use is normally prohibited due to injury to existing water rights. However, since the fish propagation use was not developed as identified in the original transfer, no injury to existing rights will occur with the attached transfer. The options reflecting actual use were discussed with Gary Spackman and it was determined that filing of a new transfer application was appropriate.

MISSOURY WFD

JAN 28 1993

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 51-02122

Notice is hereby given that M. K. and/or Grace E. Thomas of Bruneau have applied to the Department of Water Resources for a change of nature of use and place of use of the water of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.0 cfs Fish Propagation Priority: 07/02/1951
5.08 cfs Irrigation

Point(s) of Diversion: SWNE and SESW Sec. 1 T07S R04E. The water is used for Fish Propagation and Irrigation. Irrigation purposes in T07S R04E Sec. 1 NE1/4, E1/2NW, Sec. 6 NW1/4, 254 acres total. Fish Propagation in T07S R04E Sec. 1 SESW, Owyhee County.

TO BE CHANGED AS FOLLOWS

Amount: 1.0 cfs
Point(s) of Diversion: No Change
The water will be used for Irrigation only purposes T07S R04E Sec. 1 NE1/4, E1/2NW, Sec. 6 NW1/4, 302 acres total.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before November 9, 1992.

R. Keith Higginson
Director

Published in the Owyhee Avalanche on 10/21 and 10/28/1992.

RECEIVED

JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 12, 1992

M. K. Thomas
HC 85 Box 145
Bruneau, ID 83604

Dear Mr. Thomas:

I have enclosed the Application for Transfer of your older right No. 51-2122. You just need to sign the form on the back and have it notarized. You also need to sign the Relinquishment Form for the other permit, No. 51-7298. This permit will no longer be needed once the transfer is approved.

You can then send the transfer form and the relinquishment form back to me for processing. A refund check for the excess fees will be sent to you as soon as the refund is processed through the Auditor's Office.

If you have any questions, just give me a call.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosures

JAN 28 1993

July 14, 1988

M. K. and Grace E. Thomas
HC 85 Box 145
Bruneau, ID 83604

Dear Mr. and Mrs. Thomas:

Re: Application for Permit No. 51-7298
Application for Transfer of Water Right No. 51-2122

Enclosed is a copy of each of the approved applications along with a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of the Proposed Memorandum Decision and Order. Note the conditions of approval as set forth in the proposed order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 day or may appeal to the district court within 30 days of the date the decision is mailed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Bureau

Enclosures

C: Aqua Trop, Inc.
David Lahtinen

MICROFILMED

DEC 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 25, 1988

Meeves Water Users Association
c/o Barbara Little, Sec./Treas.
1980 Myers Rd.
Boise, ID 83706

Re: Application for Transfer No. 51-2122

Dear Ms. Little:

Enclosed please find a copy of the protest(s) filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?

We have received and reviewed the "Motion To Strike Or, In The Alternative, Motion For More Definite Statement" submitted by Mr. Fereday on your behalf. This document has been forwarded to the Department legal staff for review and a response will be forthcoming. Meanwhile you may wish, in association with Mr. Fereday, to contact the protestants to determine if a solution to the objections can be achieved prior to a conference or hearing by the Department.

If we may be of any assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

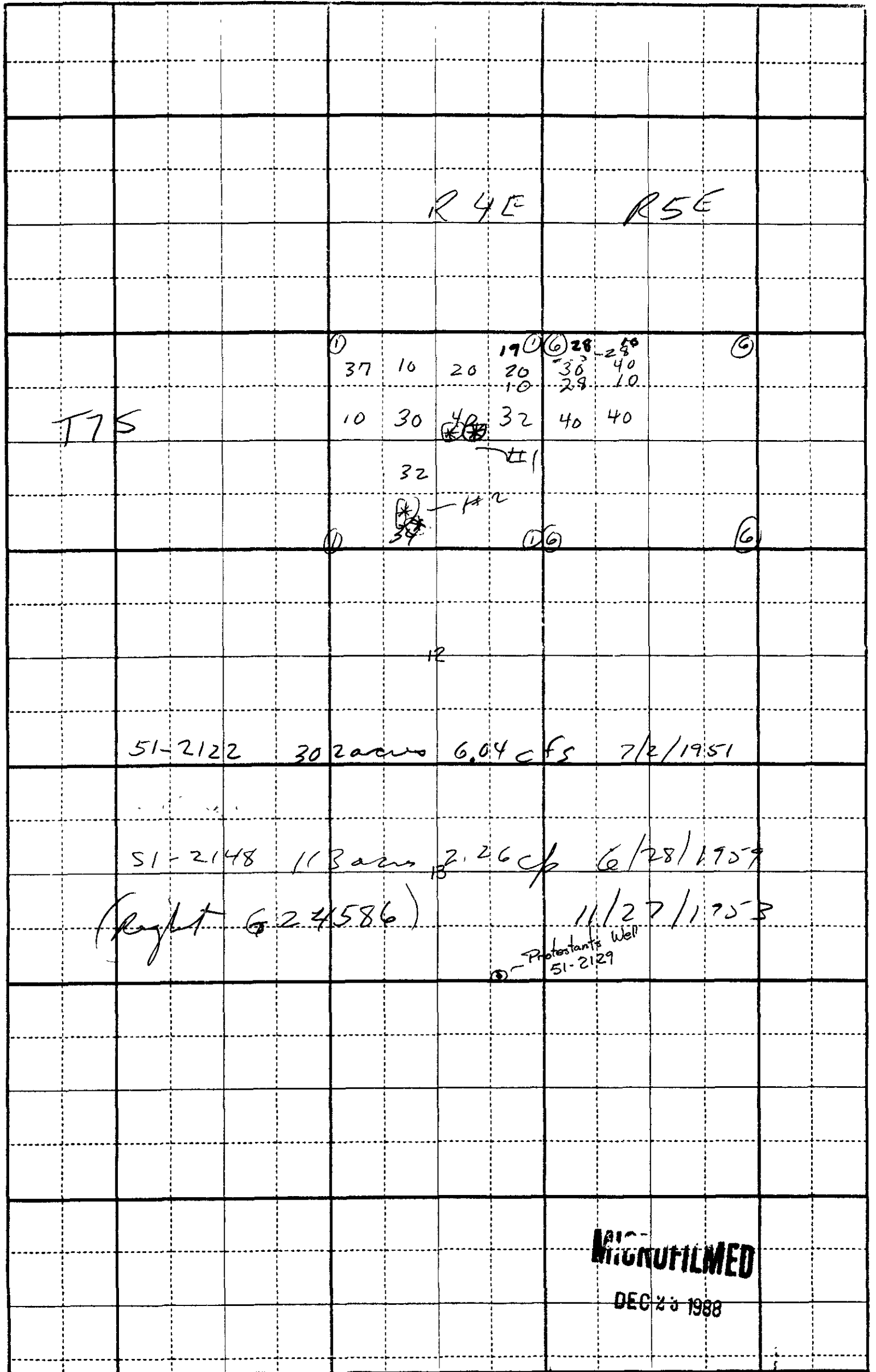
DRT:jp

c.c. Jeffery C. Fereday, Esq.
River Run Development Co., Inc.
State Office

Enclosure: Copy of Protest

MAILED

DEC 25 1988



INTER-DEPARTMENT MEMO — 1

DATE 2/9/88

FROM DAVE TUTHILL

TO Trans 51-2122

SUBJECT

See file 51-7298 for Hearing Information

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Drt

SIGNATURE

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



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TO

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JAN 1988

DEPARTMENT OF WATER RESOURCES
790 AIRPORT WAY
BOISE, IDAHO 83705

(Name of Sender)

(Street or P.O. Box)

Department of Water Resources
Water Control Office

(City, State, and ZIP Code)

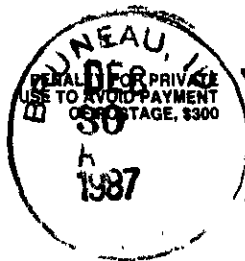
UNITED STATES POSTAL SERVICE

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- Endorse article "Return Receipt Requested" adjacent to number.



RETURN
TO

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DEPARTMENT OF WATER RESOURCES
SUPPORT WAY
IDAHO 83705

RECEIVED
DEC 31 1987

DEC 23 1988

(Name of Sender)

(Street or P O Box)

Department of Water Resources
Western Region Office

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE

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Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
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- Endorse article "Return Receipt Requested" adjacent to number

PENALTY FOR PRIVATE
USE TO ADD POSTAGE

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DEC 23 1988



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DEPARTMENT OF WATER RESOURCES
REPORT WAY
BOISE, IDAHO 83705

(Name of Sender)

(Street or P.O. Box)

Department of Water Resources
Western Regional Office

(City, State, and ZIP Code)

BEFORE THE DEPARTMENT OF WATER RESOURCES

IF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
WATER RIGHT NO. 51-2122 AND APPLICATION) NOTICE OF HEARING
FOR PERMIT NO. 51-7298, BOTH IN THE NAME) AND/OR CONFERENCE
M. K. &/OR GRACE E. THOMAS)

On November 2, 1987, M. K. and/or Grace E. Thomas filed with the Department of Water Resources for a change of the nature of use and point of diversion of the water of a groundwater source identified by License water right No. 51-2122. On November 24, 1987, AquaTrop, Inc. filed application for permit No. 51-7289 to add a fish propagation use to water diverted for irrigation purposes. On December 15, 1987, AquaTrop Inc. assigned the application for Permit to M. K. and/or Grace E. Thomas. On December 4, 1987, the Department received protests against approval of both applications from David Lahtinen.

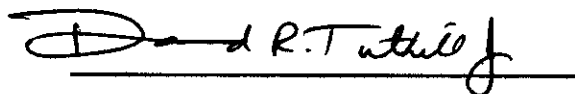
The Department has set the matter of protest for hearing for Thursday, January 7, 1988, at 1:30 p.m., in the Commissioners Conference Room, 150 South 4th St. E., Mountain Home, ID 83647. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be

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afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 24th day of December, 1987.

A handwritten signature in cursive script, reading "David R. Tuthill, Jr.", written over a horizontal line.

DAVID R. TUTHILL, JR., P.E.

Manager, Western Regional Office

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CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF A WATER RIGHT TRANSFER APPLICATION

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Is the change in the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such parties.

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December 28, 1987

FOR PROTESTED APPLICATIONS FOR TRANSFER

NOS. 51-2122 - M. K. 7/OR GRACE E. THOMAS, & NO. 51-7298 - AQUATROP INC.

CERTIFIED MAIL

**M. K. and/or Grace E. Thomas
HC85, Box 145
Bruneau, ID 83604**

**David Lahtinen
Box 167
Bruneau, ID 83604**

**AquaTrop Inc.
8150 Emerald, Suite 150
Boise, ID 83704**

c.c. Bobby F./State Office

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SPECIAL NOTE: _____

Application No. ^{Transfer} 51-2122

PROTEST INFORMATION SHEET

Protestant - Name(s)

David Lahtinen

Address Box 167, Bruneau, ID 83604

Attorney - Name & Address _____

Date Filed 12/4/87 Protest Date 12/21/87

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

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Protest Information submitted in Computer (following hearing): _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Jan Thuttl

1. Right number 51-2122 Applicant M.K. +/or Grace Thomas
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other NATURE OF USE
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☐ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☐ Check for correct signature, notarization, and fee.
- g. ☐ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments LIMITED TO 1510 AF/ANN
FOR BOTH USES.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 51-2148 - DIFF. LANDS, SAME WELL THAT IS BEING
ADDED TO THIS RIGHT.
- j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No awghee awdanche
56/ 12/2 & 12/9/27
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

December 7, 1987

David Lahtinen
Box 167
Bruneau, ID 83604

Re: Application for Transfer No. 51-2122, in the Name of M. K. &/or
Grace E. Thomas

Dear Mr. Lahtinen:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?

You will be notified at a later date as to the time and place set for the conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

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DEC 20 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

CECIL D. ANDRUS
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

R. KEITH HIGGINSON
Director

December 7, 1987

M. K. &/or Grace E. Thomas
HC 85, Box 145
Bruneau, ID 83604

Re: Application for Transfer No. 51-2122

Dear Mr. & Mrs. Thomas:

Enclosed please find a copy of the protest(s) filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?

You will be notified at a later date as to the time and place set for the conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney on your behalf.

If we may be of any assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Tuthill, Jr." with a stylized flourish at the end.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure(s)

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DEC 20 1988

RECEIVED

WARRANTY DEED

NOV 04 1987

For Value Received B. B. BURROUGHS and AUDREY I. BURROUGHS,
husband and wife,

Department of Water Resources

REVENUE STAMPS

the grantors , do hereby grant, bargain, sell and convey unto M. K. THOMAS and
GRACE E. THOMAS, husband and wife,

the grantee s, the following described premises, situated in Owyhee
County, State of Idaho, to-wit:

Lots 1, 2, 3 and 4 and South $\frac{1}{2}$ North $\frac{1}{2}$
and the East $\frac{1}{2}$ Southwest $\frac{1}{2}$ all in Section
1, Township 7 South, Range 4 East Boise Meridian,
and,
Lots 3, 4 and 5 and Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$
Section 6, Township 7 South, Range 5 East Boise
Meridian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantees , that they are the owner s in fee simple of said premises; that
said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: December 23, 1968.

B. B. Burroughs
B. B. Burroughs
Audrey I. Burroughs
Audrey I. Burroughs

STATE OF IDAHO, COUNTY OF

On this 23rd day of December , 1968 ,
before me, a notary public in and for said State, personally
appeared B. B. Burroughs and Audrey I.
Burroughs, husband and wife,

known to me to be the persons who se name s are
subscribed to this instrument, and acknowledged to
me that they executed the same.

Barbara Jayo
Notary Public.
Residence , Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record
at the request of Owyhee Title Co.

at 40 minutes past 1:00 o'clock Pm.,
this 30th day of March
1972 , in my office, and duly recorded in Book of Deeds at page

BARBARA JAYO
Ex-Officio Recorder

By Linda
Fees \$1.00
Mall to: F.H.A.
Box 148
Manning

Released	Assigned	Ch. & P. R.	Ind. Reverse	Ind. Direct	Unimpaired	Recorded

131726

DEC 23 1988

Jim K. Thomas
DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



Dept. of Water Resources
450 W. State St.
Boise, ID 83720

Attn: Jim Johnson

State of Idaho License and Certificate of Water Right

Water License No. G-22227

Amount 6.01 c.f.s.

Water District No.

Priority July 2, 1951

THIS IS TO CERTIFY that FERN DECOURSNEY - Assignee - AUDREY I. BURROUGHS of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1951; that Permit No. G-22227 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.01 second feet, was issued thereunder on July 11, 1954, showing that said works were completed on the 6th day of June, 1959; and that on the 6th day of June, 1955, AUDREY I. BURROUGHS

of Homedale, State of IDAHO, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-22227 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7867, on the 14 day of July, 1964.

The right hereby confirmed dates from July 2, 1951:

The Point of Diversion is located

in the SW 1/4 NE 1/4 Sec. 1, Tp. 7S, R. 1E, E. M. County Owyhee

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.01 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	4 E.	1	NE 1/4 NE 1/4	40	20
			NW 1/4 NE 1/4	40	20
			SE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	32
			NE 1/4 NW 1/4	40	10
			SE 1/4 NW 1/4	40	30
7 S.	5 E.	6	E 1/2 NW 1/4	80	80
			NW 1/4 NW 1/4	40	30
			SW 1/4 NW 1/4	40	40
			Total number of acres to be irrigated		302

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of July, 1964.

/s/ RALPH N. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

WATER LICENSE

Water License No. G-27931/51-2148Priority June 28, 1959Amount 2.20 C.F.S.

THIS IS TO CERTIFY, that

John Decoursey - Assignee - R. B. BURROUGHSof Homedale, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated May 12, 1959, that Permit G-27931/51-2148 was issued pursuant to said application; that the proposed works were completed on or about June 30, 1964 with a storage/or carrying capacity of 2.5 C.F.S. said works consisting of 2 wells

and that on July 2, 1964 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 565 acre feet per season, with a maximum rate of diversion of 2.28 cubic feet per second of the waters of ground-water tributary of

for the purpose of Irrigation from April 1 to October 31 and for from to ; and for from to ; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SW 1/4 NE 1/4, Sec. 1, T. 7 S., R. 4 E., B.M. and other additional points SF [SW] Sec. 1, T. 7 S., R. 4 E., B.M. in the County of Owyhee

and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 565 acre feet per year.

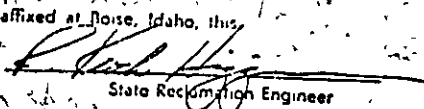
Description and location of place of use:

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	4 E	1					37	10		32			34						113

Total number of acres irrigated 113

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of December1969

 State Reclamation Engineer

27931

51-2148

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 51-2122

Notice is hereby given that M. K. &/or Grace E. Thomas of Bruneau, Idaho have applied to the Department of Water Resources for a change of the nature of use and point of diversion of the water of a groundwater source. The right sought to be changed is evidence by Water Right No. 51-2122 and is recorded as follows:

Amount: 6.04 cfs. Priority: 7/2/1951. Point(s) of Diversion: SW1/4NE1/4, Sec. 1, Twp. 7S, Rge. 4E. The water is used for irrigation purposes within the NE1/4, E1/2NW1/4, Sec. 1, Twp. 7S, Rge. 4E, and the NW1/4, Sec. 6, Twp. 7S, Rge. 5E, for a total of 302 acres.

TO BE CHANGED AS FOLLOWS

Amount: 1.0 cfs up to 240 acre feet per annum for Fish Propagation and 5.08 cfs for Irrigation. Total: 6.04 cfs and 1510 acre feet per annum. Point(s) of Diversion: SW1/4NE1/4, SE1/4SW1/4, Sec. 1, Twp. 7S, Rge. 4E. The water will be used for irrigation purposes within the NE1/4, Sec. 1, Twp. 7S, Rge. 4E and the NW1/4, Sec. 6, Twp. 7S, Rge. 5E, for 254 acres and fish propagation within the SE1/4SW1/4, Sec. 1, Twp. 7S, Rge. 4E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before December 21, 1987.

R. KEITH HIGGINSON
Director

Published in the Owyhee Avalanche, Homedale, ID on December 2, 1987 and December 9, 1987.

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WATER RIGHT NUMBER 51-2122

OWNER LAST NAME - DE COURSEY
OWNER LAST NAME - BURROUGHS

ADDRESS LINE 1 -
ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SWNE 01 07S 04E LOT

FROM - TO -

USE - IRRIGATION

USE - IRRIGATION

DECREE NAME -
REMARKS -

NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE -
PROOF MADE -
DIVERSION MEANS -

PERMIT/DENIED -
COND. OF APPROVAL -

PROTESTED -

HEARING -

JLD NO. - 22227

FIRST NAME - FERN
FIRST NAME - AUDREY I.

ADDRESS LINE 2 -
CITY - HOMEDALE

TRIBUTARY OF -

PRIORITY - 07-02-1951

WATER DIST. -

USE DIV. RATE -

USE DIV. RATE -

PLACE OF USE - TWN 07S RNC 05E SEC 06

PLACE OF USE - TWN 07S RNC 04E SEC 01

DATE -

STATE - ID ZIP CODE - 83628

COUNTY - OHYHEE

GLE/CAREY ACT -

RIGHT BASIS -

USE DIV. VOLUME -

USE DIV. VOLUME -

TRACT NENE LOT

TRACT SWNE LOT

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TOTAL DIV. RATE -

RIGHT BASIS -

USE DIV. VOLUME -

USE DIV. VOLUME -

TRACT NENE LOT

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TOTAL ACRES

302

- New ownership
State office file - Vault

J Keith Thomas now own
land described under License
V51-2122 & 51-2148 under the
names of Fern De Coursey assignee
Audrey I Burroughs & John
De Coursey assignee - B.B. Burroughs
respectively

Keith Thomas

June 22, 1982

Robert De Coursey
Route 5, Box 5224
Nampa, ID 83651

Dear Mr. De Coursey:

Enclosed is the statement of beneficial use postcard which you submitted to this office on May 10, 1982.

Please be advised that the postcard did not have a water right number indicated so we researched our records to come up with a licensed water right No. 51-2122. This one, however, does not need to have the statement of beneficial use postcard submitted on it.

Do you have another water right with a different water right number which might need the statement of beneficial use postcard submitted on it?

If you have any questions concerning this matter, please feel free to contact me at 334-4290.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

FILED

17

201

OWNER LAST NAME - DE COURSEY
OWNER LAST NAME - BURROUGHS

OWNER, LAST NAME - BURROUGHS

SOURCE - GROUNDWATER

STAGE - LALENSE

LIVERSIGN POINT - SWNE 01 07S 04E

USE -

USE - IRRIGATION

USE - IRRIGATION

TOTAL DIV. RATE - 6.0400CFS

CITY - HCMECALC STATE - ID

SCALE

FIRST NAME - AUDREY I.

STATE - ID

TOTAL DIV. RATE - 6.0400CFS

PRICRITY - 07-02-1951

COUNTY - Dwyff

USE DIV. RATE - 6.0400CFS

PLACE OF USE - TWN 07S RNG 04E SEC 01

TRACT SWNE

TRACT NEW

TRACT NEW

TRACT SHNW

TRACT NINE AC 20

TRACT SENE AC 32

TRACT SENH AC 30

TRACT NNNH AC 30

TRACT SENW AC 40

OLD NO. - 22227

July 14, 1964

Re: Permit No. G-22227

Mrs. Audrey I. Burroughs
Homedale, Idaho

Dear Mrs. Burroughs:

Enclosed are the Certificate of Completion of
Works and License and Certificate of Water Right issued on the
above numbered permit.

Also enclosed is departmental receipt No. G-8676
in the amount of \$25.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna F. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

G-22227

ALL PROPERTY APPRAISALS

CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. MCDOWELL — E. J. MCDOWELL, MGR. OWNERS
MERVIN J. CHRISTENSEN JOSEPH J. THACKABERRY
(LICENSED SURVEYOR)

329 IDAHO BLDG. BOISE IDAHO 83701

P O BOX 2161
PHONE 344-2525

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

July 1, 1964

RECEIVED
JUL 2 1964

Department of Reclamation

Mrs. Edna Rule
Dept. of Reclamation
State House
Boise, Idaho

Dear Mrs. Rule:

I am enclosing the proof of Completion of Works and Beneficial Use
for Permit #G-27931, B. B. Burroughs.

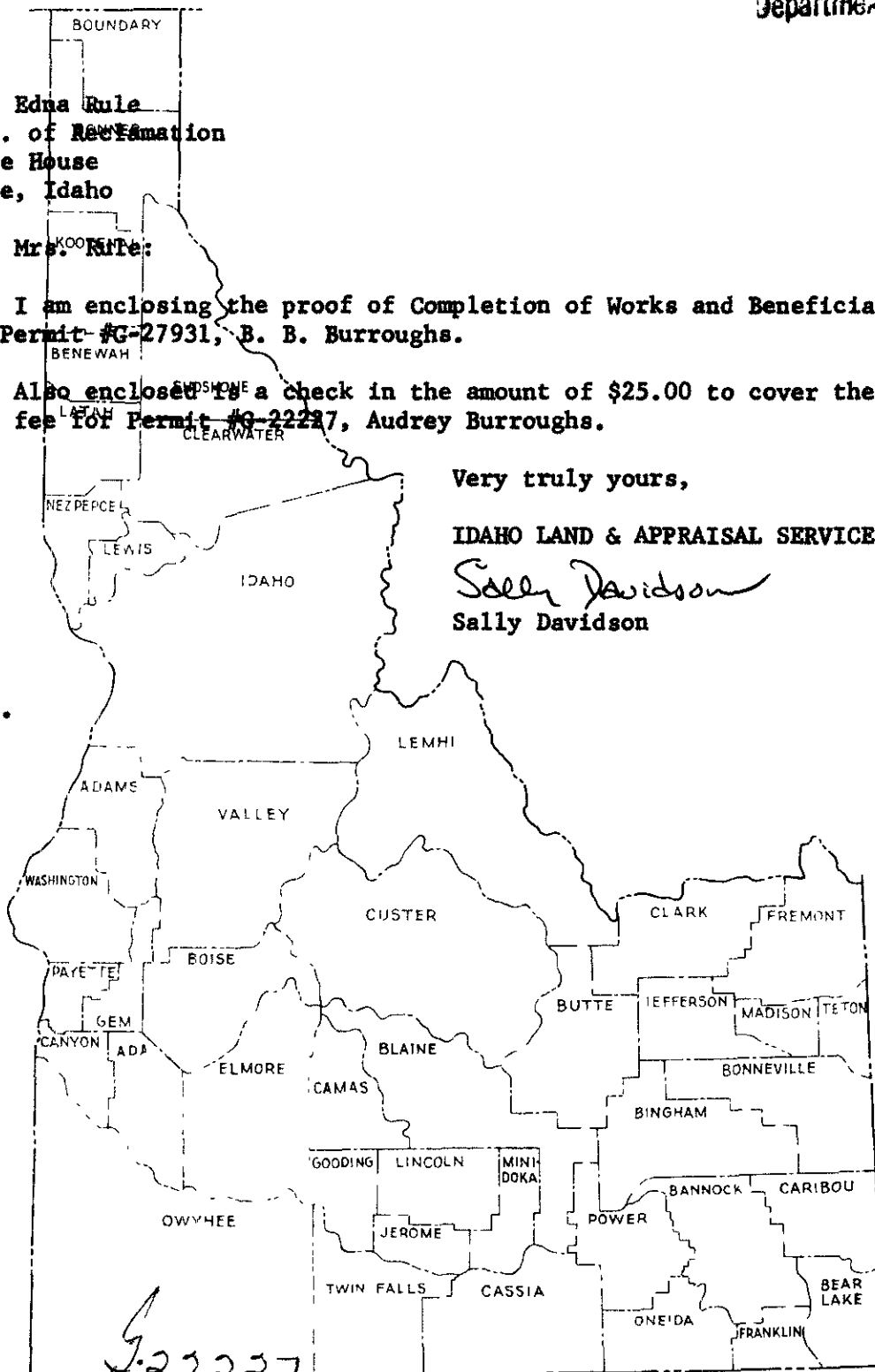
Also enclosed is a check in the amount of \$25.00 to cover the licen-
sing fee for Permit #G-22227, Audrey Burroughs.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Sally Davidson
Sally Davidson

sd
encl.



✓
127

April 24, 1961

Re: Permit No. G-22227

Audrey I. Burroughs
Homedale, Idaho

Dear Mr. Burroughs:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-22227 shows the well is (are) capable of conveying 302 miner's inches, or 6.04 c.f.s. of water for the irrigation of 302 acres.

Upon receipt of the statutory fees, totaling \$ 25.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 20.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of July 2, 1951 to the use of 6.04 second feet of subterranean water with the point of diversion in SW 1/4, Sec. 1, T. 7 S., R. 4 E., to irrigate 302 acres in NE 1/4, E 1/2 NW 1/4, Sec. 1, T. 7 S., R. 4 E., B. M., NW 1/4, Sec. 6, T. 7 S., R. 5 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

G-22227

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22227

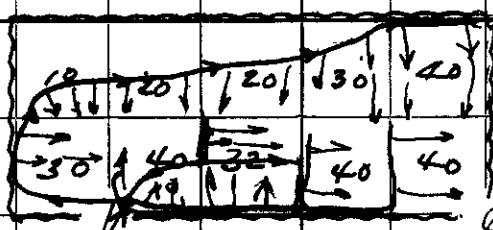
REPORT ON PROOF OF Completion of Works & Beneficial Use

Audrey I. Burroughs
Homedale, Idaho

R-4E.

R-5E.

T.
7
S



120

182

302

pb

Subdivision

10

Area

302 Acres

9

6.04 cfs or 302 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-22227

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Audrey I. Burroughs
2. Source of water supply: Subterranean through a drilled well cased (expected to be artesian)
3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 1
T. 7 S. R. 4 E County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: Artesian Well - 16" x 1767' Cased 500' - 18" pressure w/ all valves closed, Temp. 102°. 16" x 3' Tee cased above ground Cement around 259' at ground level. Top of csg. Cased by steel plate w/ 1 1/2" coupling welded to it, 1 1/2" reduced to 3/4" for garden hose. 16" Tee reduced to 14" for 14" Joshua Handy Gate Valve, 16" x 10' disch. pipe down into pool - 14' x 24' x 4' deep. Then to open ditches E + West and South.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

~~NE 1/4, E 1/2 NW 1/4 of Sec. 1., Twp. 7 S., Rge. 4 E.B.M. and~~

~~NE 1/4, E 1/2 NW 1/4 of Sec. 1., Twp. 7 S., Rge. 4 E.B.M. and~~

NE 1/4, E 1/2 NW 1/4 of Sec. 1., Twp. 7 S., Rge. 4 E.B.M. and

NW 1/4 Sec. 6., Twp. 7 S., Rge. 5 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River
Remarks: Mr. Art. Trussell along - (new owner.) Burroughs is to complete proofs.

(Could open the gate valve only about 9 inches, if gate open full believe well would produce 400" or more.)

Measured by Current meter 6.16 cfs.

This examination was made on the 21st day of April, 1961

(Signed) _____

Examiner.

Logan Johnson
G-22227

Department of Reclamation

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Date 4/21, 1966 **DISCHARGE MEASUREMENT NOTES**

Audrey Burroughs River at G-22227 - Cherokee Co.

[illegible]

No. _____ of _____ Sheets, Comp. by *A. Johnson* Chk. by _____

July 1, 1959

Re: Permit No. G-22227

Mrs. Audrey I. Burroughs
Homedale, Idaho.

Dear Mrs. Burroughs:

We acknowledge receipt of the Deposition of Holder and two Witnesses, also Affidavit of Publication in the Owyhee Nugget, all submitted in proof of Completion of Works and Application of Water to Beneficial Use on Permit No. G-22227.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this Department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/pmk

G-22227

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 23 1959
Department of Reclamation

Permit No. G-22227

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Name, Audrey I. Burroughs; residence, 8 miles west of Homedale, Idaho; occupation, housewife; postoffice address, Homedale, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit G-22227; date, 7/7/51; date of priority, 7/2/51.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. The source of the water is subterranean, artesian water located in the southwest corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T 7S - R 4E., B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of drilled well to a depth of 1767'. This is a 16" hole for 1,000' and 12" hole finally reduced to 8". Distribution is all by gravity through a private ditch. The main ditch will probably carry 400". This was cased to a depth of 750' with 16" casing. The well is artesian and flows 350". I have never measured this but have seen land irrigated and that is what everyone has told me it flows.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and the place of use is as follows: T7S-R4E., B.M. Sec. 1, Lot 2, 10 acres; Lot 1, 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 32 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; Lot 3, 10 acres. T7S-R5E., B.M., Section 6, Lot 3, 25 acres; Lot 4, 10 acres; Lot 5, 40 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres, T 7S - R 5E., B.M. All improvements are made here as a result of this project and would amount to about \$23,000. There is no natural meadow.

G. 22227

8

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. I plan to use 1" to the acre here and have other land that will be irrigated out of this well. I have adequate water here and have a surplus.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original owner.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. This well was started right after the permit was issued and has been continued and improvement on schedule.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None, except on Lot 3, SE 1/4 NW 1/4, Section 6, T7S-R5E, permit G-27931 which is also from a well and will be used for irrigation here too. Beneficial use on this has not all been completed.

(Sign)

Audrey J. Burroughs

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada,

State of Idaho, on this 6 day of June, A. D. 1959.

Harley L. L. S. Howell
Notary Public for the State of Idaho

My commission expires 10/11/59

J-22227

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
 Department of Reclamation

Permit No. G-22227

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John J. DeCoursey; age, 40; residence, Homedale, Idaho; occupation, machinist;
postoffice address, Homedale, Idaho.

Ques. 2. Are you acquainted with Audrey I. Burroughs, the holder of Permit No. G-22227? How long have you known him and where does he reside?

Ans. I have known Audrey I. Burroughs 7 or 8 years and know that she
lives about 8 miles west of Homedale, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-22227, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. A well was drilled in the SW 1/4 Sec. 1, T7S-R4E. This was drilled to 1767'
cased to a depth of 750' with 16" casing. This was a 16" hole for 1,000' graduating to
8" at the bottom. Distribution is by gravity.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate works will safely convey 350" of water and have seen this much.
I am a well driller and have seen other wells measured. This is a flowing well.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. None.

G-22227

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. ~~The purpose is irrigation of the following lands: T7S-R4E., B.M., Section 1, Lot 2, 10 acres; Lot 1, 20 acres, Lot 3, 10 acres SW1/4, 40 acres; SE1/4, 32 acres; SE1/4NW1/4, 30 acres. T7S-R5E., B.M., Sec. 6, Lot 3, 25 acres; Lot 4, 10 acres; Lot 5, 40 acres; SE1/4NW1/4, 40 acres. This is all cultivated land and all improvements have been made as a result of said cultivation.~~

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. ~~None.~~

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. ~~Sandy, clay loam soil. There is surplus water here.~~

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. ~~No.~~

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. ~~I was here when this well was first drilled and when the permit was first started I helped on the drilling.~~

(Signed)

John J. Boney

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 6 day of June, A. D. 19 59.

Harley W. L. Donnell

Notary Public.

My commission expires 10/11/59.

2-22227

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 23 1959
Department of Reclamation

Permit No. G-22227

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lillian Pickrel; age, 67; residence, Homedale, Idaho; occupation, housewife;
postoffice address, Homedale, Idaho.

Ques. 2. Are you acquainted with Audrey I. Burroughs, the holder of Permit No. G-22227? How long have you known him and where does he reside?

Ans. I have known her three years and know she lives approx. 8 miles west of Homedale, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-22227, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water is a drilled, artesian well about 1700' deep. Distribution is all by gravity ditch. Casing of well is 16" and cased to 750". Well is located in SW 1/4 NE 1/4, Sec. 1, T. 7 S. - R. 4 E., B.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I would estimate water to flow around 350". I have seen other water measured and would say this is what it will produce.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No pump.

G-22227

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This is used for irrigation and there is no natural meadow land. Acres irrigated are: T 7 S - R 4 E., B.M. Sec. 1, Lot 1, 20 acres; Lot 2, 10 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 32 acres; Lot 3, 10 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; T 7 S - R 5 E., B.M., Section 6, Lot 3, 25 acres; Lot 4, 10 acres; Lot 5, 40 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This is a sandy, clay loam soil. I believe there is surplus water here.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been familiar with this quite often over the last three years and have seen the flow of this well during that time.

(Signed) Mrs. Lillian Dickel.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 6 day of June, A. D. 1959.

Harley M. S. Howell
Notary Public.

My commission expires 10/11/59

22227

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 7 consecutive weeks, the first publication being on the 30 day of April, 1959, and the last publication being on the 21 day of May 1959;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER.

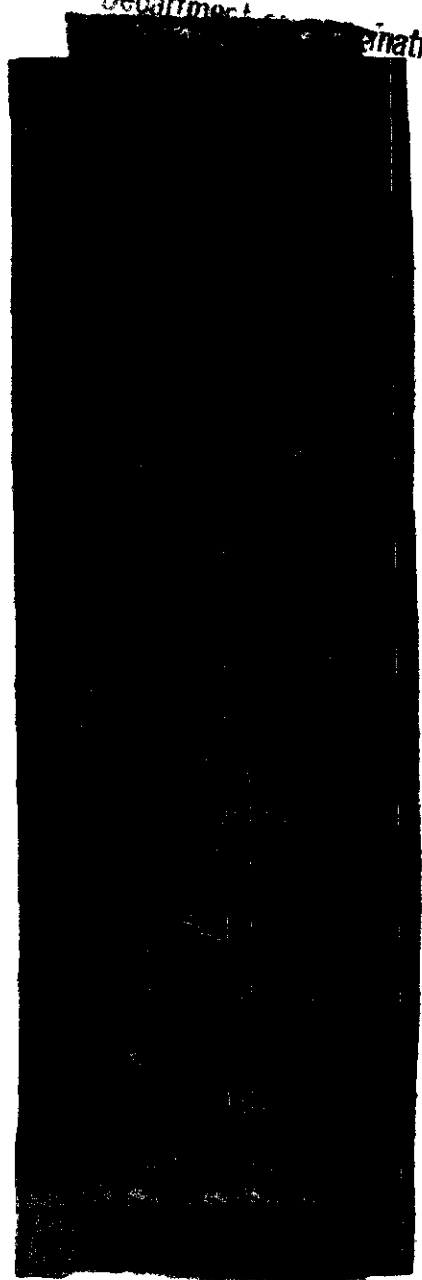
Subscribed and sworn to before me this 25 day of May, 1959.

Leona S. Hawes
NOTARY PUBLIC.

My commission expires 9-10-60

(SEAL)

RECEIVED
JUN 2 1959
Department of Investigation



G-22227

June 19, 1959

Re: Permit No. 22227

Mrs. Audrey I. Burroughs
Homedale, Idaho

Dear Mrs. Burroughs:

Enclosed are applications for amendments to the land
list and to the point of diversion, which have been recorded in
this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Amendments (2)

4-22227

PT

JUN 16 1959

Department of Reclamation

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. G-22227

Comes now Audrey I. Burroughs, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-22227, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

E1/4 NW1/4, NE1/4, Section 1, T.7 S. - R.4 E., B.4.

NW1/4, Section 6, T.7 S. - R.5 E., B.4.

, making a total of _____ acres

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho this 6 day of June, 1959

Audrey I. Burroughs

Date of receipt at office of Department of Reclamation June 16, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22227. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

G-22227
Recorded in Book 79 of _____

Geo. N. Carter

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-22227

RECEIVED
JUN 16 1959
Department of Reclamation

Comes now Audrey I. Burroughs and represents to the State
Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. G-22227.

That the point of diversion is described in said permit as being located

NW 1/4 NE 1/4, Section 1, T7S-R4E, B.M.

That he now requests that the point of diversion be changed to a point
located SW 1/4 NE 1/4, Section 1, T7S-R4E, B.M.

That his reasons for desiring to make such change are as follows:

This is a more feasible well site.

That no one will be injured by such change, and that such change will be
made at Permit Holder's own risk.

Signed at Boise, Idaho, this 6 day of June, 1959

Audrey I. Burroughs

Date of receipt at Department of Reclamation June 16, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

Geo. N. Carter

I, ~~Charles R. Kopp~~, State Reclamation Engineer of the State of Idaho, hereby
approve the above and foregoing application for amendment to Permit to Appropriate
the Public Waters of the State of Idaho, No. G-22227. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it re-
fers and of which it becomes a part, and said application is approved only insofar
as the rights of others will not be adversely affected thereby.

Geo. N. Carter
State Reclamation Engineer

Recorded in Book 79 of
Permits, Page 22227
June 19, 1959

G-22227

April 23, 1959

Re: Permit No. G-22227
Audrey I. Burroughs

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is Application for Amendment to the
last list in connection with Permit No. G-22227, which has
been recorded in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

by:

Chief Clerk

EPR:ew
Enc. 1
cc: Audrey I. Burroughs

G-22227

April 22, 1959

Re: Permit No. G-22227
Audrey I. Burroughs

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit No. G-22227, in the name of Audrey I. Burroughs. Final proof is to be made before you, as Notary, on the 6th day of June, 1959, at 10:00 A. M., at 618 Idaho Building, Boise, Idaho.

As of this date we have mailed the Notice to the Owyhee Nugget, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date, and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Audrey I. Burroughs

G-22227

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: April 22, 1959

Re: Permit No. G-22227
Audrey I. Burroughs

Owyhee Nugget
Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **June 6, 1959** the date set for proof;

the expense of the publication is to be paid by the applicant **Agent,**

Harley M. McDowell

of **P. O. Box 2161, Boise, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

G-22227

Application for Amendment

APR 22 1959

To Permit to appropriate the Public Waters Department of Reclamation
of the State of Idaho, No. G-22227.

Comes now Audrey I. Burroughs, and represents to the State
Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of
Idaho, No. G-22227, and requests that the list of lands to be irrigated, as described in said
permit, be changed to read as follows:

Lots 1, 2, 3, 4, S. 1/4, E. 1/4, Section 1, T. 7 S. - R. 4 E., B.M.

Lots 3, 4, 5, 6, Section 6, T. 7 S. - R. 5 E., B.M.

making a total of 560 acres.

That an additional amount of water is not asked for, and that the rights of others will not be ad-
versely affected by such change.

Signed at Boise, Idaho, this 21 day of April, 19 59

Audrey I. Burroughs

Date of receipt at office of Department of Reclamation April 22, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public Waters of
the State of Idaho, No. G-22227. This approval constitutes a new permit and is issued as an
amendment to the original permit, to which it refers, and of which it becomes a part, and said appli-
cation is approved only insofar as the rights of others will not be adversely affected thereby.

Geo. N. Carter

APR 22 1959
Department of
Agriculture

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 4/21/59

(P. O.) Homedale, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Owyhee Haggat of Marsing, Idaho published in

the county in which the works are situated.

Audrey J. Burroughs

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

4-22227

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A., M., on the 6th day of June, 1959, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 618 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 9-22227 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Ludrey I. Burroughs, Rt. 1, Homedale, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is NW 1/4, Sec. 1, T7S-R4E., B.M.

5. The place where said water is used is Lots 1, 2, 3, 4, S 1/4, E 1/4, Sec. 1, T7S-R4E., B.M.
Lots 3, 4, 5, 6, Sec. 6, T7S-R5E., B.M.

6. The date of priority which said user is prepared to establish is

7/2/51

[Signature]
State Reclamation Engineer

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G- 22227
Audrey I. Burroughs

Date: April 1, 1949

Harle A. McLowell
Box 2261, Boise, Idaho

Dear Sir:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 22227 are due not later than June 11, 1949.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

Enclosures
CC: Audrey I Burroughs

2-22227

March 31, 1958

Re: Permit No. G-22227
Audrey I. Burroughs, Assignee

Mr. Harley L. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is the Assignment of Permit No. G-22227 to Audrey I. Burroughs of Homedale, Idaho, by Fern DeCoursey, permit holder, and Joseph L. DeCoursey, husband of permit holder. This was acknowledged by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 79 of Permits at Page 22227 and should now be attached to the permit to which it refers.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

Enc.

P.S. Enclosed also is departmental receipt #A-3211 for .50¢, issued as receipt of the fee for recording the assignment.

EPR

22227

4-279

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
JUN 20 1955
BUREAU OF RECLAMATION

June 17, 1955
(Date)

AMENDED NOTICE OF ALLOWANCE

Wern La Coursey
315 - 20th Avenue South
Boise, Idaho

Sir:

Your Desert-Land entry, Serial No. Idaho 02148
(Kind of application or entry)

Receipt No. 2459, for Lots 1, 2, 3, 4, Sec. 1, T. 7 S., R. 4 E.

Lots 3, 4, 5, Sec. 1, Section 6

Township 7 S., Range 5 E., Boise Meridian,
containing 317.97 acres, ~~was this day~~ was June 14, 1954

your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The allowance of this application is subject to a right-of-way under Sec. 2477 U.S., for a road to be constructed by Owyhee County, 50' wide across the north part of Lots 3 and 4, T. 7 S., R. 4 E., B.M., Idaho, along the section line. This office should be advised when the construction of the road has been completed. The allowance is also subject to Bureau of Land Management Project #68, Truck Valley-Grandview truck trail.

Very respectfully,

cc: CHM, Boise, Idaho
State Reclamation Engineer, Boise, Idaho
Land Office, Boise
R.4., Boise,
V. Officer, Boise
Manager

100-25127

✓
December 14, 1954

RE: Permit No. G-22227

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose approval of the State Reclamation Engineer of extension of time for Completion of Works on Permit No. G-22227 of Fern DeCoursey, until June 14, 1959.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

CLARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:eu
Enc.

G-22227

ALL PROPERTY APPRAISALS

CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

IDAHO LAND & MAP SERVICE

HARLEY M. McDOWELL — E. J. McDOWELL, MGR. OWNERS

519 IDAHO BLDG.

P. O. BOX 2161
PHONE 4-0181

BOISE, IDAHO

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

November 15, 1954

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit #G-22227

Dear Mr. Kulp:

Mrs. Fern DeCoursey has instructed us to advise you that the land which she intended to irrigate under Water Permit #G-22227 was not allowed her until June 14, 1954.

Mrs. DeCoursey would appreciate your extending the time for her completion of works and beneficial use dating from the time of this allowance rather than from the date of the permit.

Very truly yours,

IDAHO LAND & MAP SERVICE

Harley M. McDowell

Harley M. McDowell

HMM:jb

adp. 7-7-54
C/W 7-7-56

RECEIVED
NOV 23 1954
Department of Reclamation

9-22227

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho District Land Office
P. O. Box 2237
Boise, Idaho

(PLACE)

June 11, 1954
(DATE)

RECEIVED
JUN 16 1954
Department of Reclamation

NOTICE OF ALLOWANCE

Fern De Courcy.

315 - 20th Ave., So.,
Nampa, Idaho

Sir:

Your Desert Land Entry, Serial No. Idaho 02118
(Kind of application or entry)

Receipt No. 2159, for lots 1, 2, 3, 4, sec. 1, T. 7 S., R. 4 E.
and lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, Section 6

Township 7 S., Range 5 E., Boise Meridian,

containing 327.97 acres, has this day been allowed, subject to

your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The allowance of this application is subject to a right-of-way under sec.

2477 R.S., for a road to be constructed by Oglethorpe County, 50' wide across

the north part of lots 3 and 4, T. 7 S., R. 4 E., S.M., Idaho, along the

section line. This office should be advised when the construction of the

road has been completed.

Very respectfully,

Very respectfully,
Paul A. Shepard

cc: RM, Boise, Idaho
State Rec. Mgr., Boise, Idaho

4-22227

July 12, 1951

Re: Permit No. G-22227

Mr. Harley M. McDowell
Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We enclose Permit No. G-22227 in the name of Fern De Coursey, and direct her attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose two copies of this Permit, one certified, to be used in connection with her desert entry filed in the Idaho Land and Survey Office.

We also enclose Departmental Receipt No. 23522 for \$8.50, which includes filing fee of \$6.50 and \$2.00 for the additional copies.

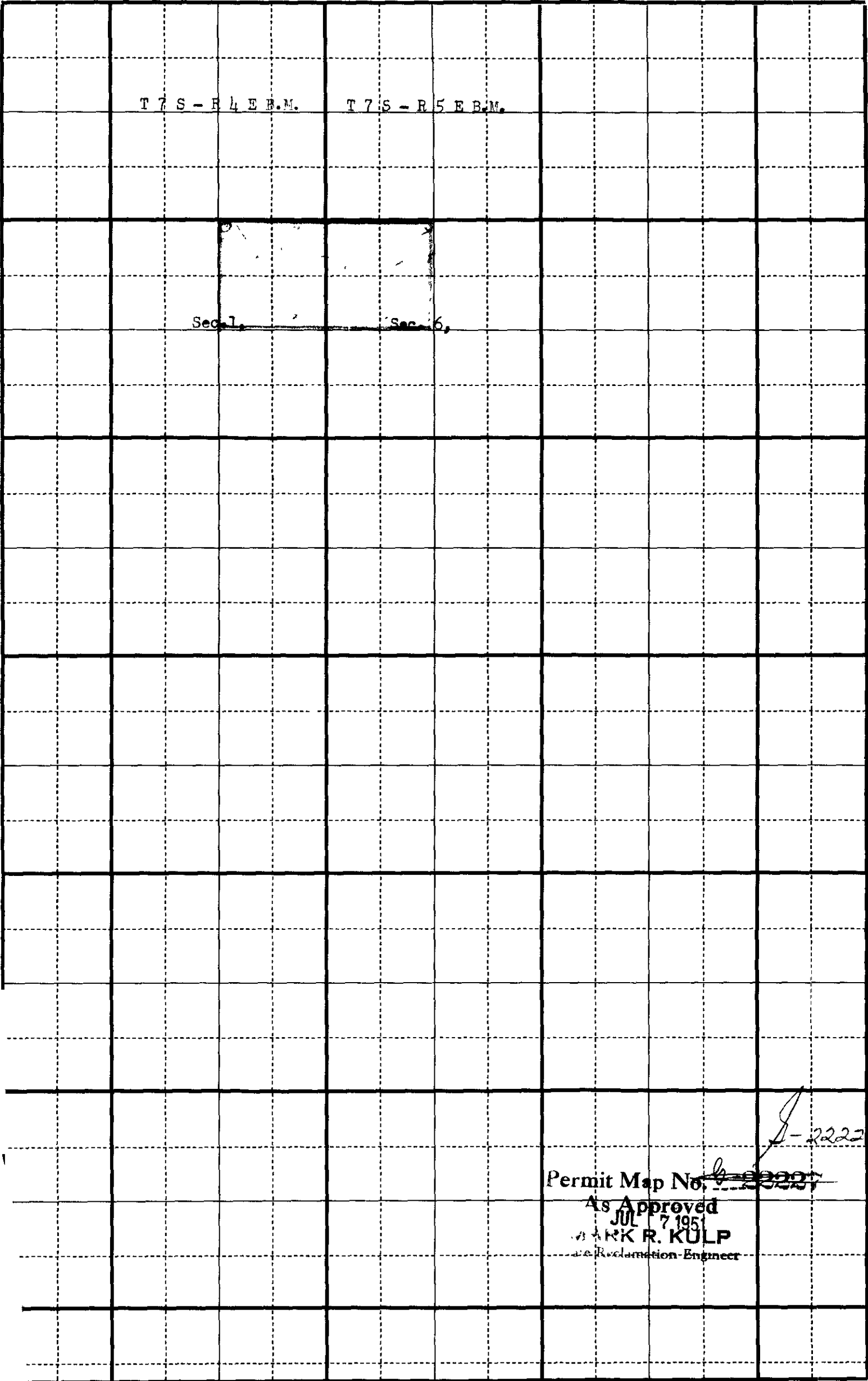
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

G-22227



**NOTICE OF PROOF OF
COMPLETION OF WORKS**

and

**APPLICATION OF WATER
TO BENEFICIAL USE**

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1. The name and postoffice address of the person or corporation holding said permit is Audrey I. Burroughs, Rt. 1, Homedale, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T7S, R4E, B. M.

5. The place where said water is used is Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T7S, R4E., B. M. Lots 3, 4, 5, 6, Sec. 6, T7S, R5E., B.M.

6. The date of priority which said user is prepared to establish is 7/2/51

GEO. N. CARTER
State Reclamation Engineer
(April 30 — May 21)

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

and

**APPLICATION OF WATER
TO BENEFICIAL USE**

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5. The place where said water is used is Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T7S, R4E., B. M. Lots 3, 4, 5, 6, Sec. 6, T7S, R5E., B.M.

6. The date of priority which said user is prepared to establish is 7/2/51.

GEO. N. CARTER
State Reclamation Engineer
(April 30 — May 21)